

**STATE OF NEW MEXICO  
COUNTY OF TAOS  
EIGHTH JUDICIAL DISTRICT**

**ELIZABETH MASON and  
CAROLYN C. TARTAGLIA,  
Plaintiffs,**

**v.**

**Case No. D-820-CV-2015-00279**

**DISH NETWORK, LLC, a foreign  
corporation, and DISH NETWORK  
SERVICE, LLC, a foreign corporation,  
Defendants.**

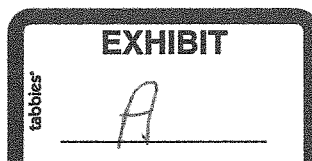
**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT(S):**

**DISH NETWORK SERVICE, LLC  
c/o Corporation Service Company  
123 East Marcy Street, Suite 101  
Santa Fe, NM 87501**

Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.



Dated at Taos, New Mexico, this 25 day of February, 2016.

BERNABE P. STRUCK  
CLERK OF COURT

By: *A. Romero*  
Deputy



/s/ Dwight Thompson

DWIGHT THOMPSON  
P.O. Box 60007  
Savannah, GA 31420  
(575) 751-3043 (Telephone)  
(575) 758-1387 (Facsimile)  
*Attorney for Plaintiffs*

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN'

STATE OF NEW MEXICO           )  
                                                  )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to  
this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint  
attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant \_\_\_\_\_ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

☐ to \_\_\_\_\_ (name of person), \_\_\_\_\_, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees. the

*State of New Mexico or any political subdivision).*

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
2

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013.]

**STATE OF NEW MEXICO  
COUNTY OF TAOS  
EIGHTH JUDICIAL DISTRICT**

**ELIZABETH MASON and  
CAROLYN C. TARTAGLIA,  
Plaintiffs,**

**v.**

**Case No. D-820-CV-2015-\_\_\_\_\_**

**DISH NETWORK, LLC, a foreign  
corporation, and DISH NETWORK  
SERVICE, LLC, a foreign corporation,  
Defendants.**

**COMPLAINT**

COME NOW Plaintiffs ELIZABETH MASON and CAROLYN C. TARTAGLIA ("Plaintiffs"), by and through their attorney of record, Dwight Thompson, and hereby submit their verified complaint for damages against Defendants DISH NETWORK, LLC, a foreign corporation, and DISH NETWORK SERVICE, LLC, a foreign corporation ("Defendants"), for breach of contract, breach of implied promise of good faith and fair dealing, breach of implied warranty to use reasonable skill, and prima facie tort. In support thereof, Plaintiffs state as follows:

1. Plaintiffs are residents of Taos County, New Mexico.
2. Defendants are foreign corporations licensed to and doing business in the State of New Mexico.
3. All acts and omissions complained of herein were committed within Taos County, New Mexico.
4. All acts and omissions complained of herein were committed by the employees, agents, representatives, and/or designees of Defendants.

5. Defendants are liable for all such acts and omissions complained of herein under the doctrines of *respondeat superior*, agency, and vicarious liability.
6. Venue and jurisdiction are proper in this matter.
7. In August of 2011, Plaintiffs contracted with Defendants for the purchase and installation of an upgraded home satellite television system at Plaintiffs' residence in Taos County, New Mexico.
8. Shortly thereafter, Defendants' employees installed an upgraded home satellite television system at Plaintiffs' residence.
9. During the installation process, Defendants' employees drilled a number of holes in the roof and walls of Plaintiffs' residence.
10. Defendants' employees did not ask the permission of Plaintiffs to do so before making such holes in the roof and walls of Plaintiffs' residence.
11. At one point during the initial installation of the upgraded system upon Plaintiffs' roof, the man hired by Defendants became frustrated and enraged at Plaintiff Elizabeth Mason's questions as to what exactly he was doing and in a fit of anger, threw the satellite dish while he was on top of Plaintiffs' roof, causing the satellite dish to strike the Plaintiffs' roof and cause damage.
12. This man, who was hired by Defendants or acting as Defendants' agent, then left the premises without installing the contracted for upgrade.
13. Within a few days of this incident, a different crew of installers hired by Defendants arrived to finish the job.
14. This crew of workers hired by Defendants drilled even more holes into the roof and walls of Plaintiffs' residence.

15. Subsequent to the installation of the upgraded home satellite television system on Plaintiffs' roof, Plaintiffs' home and its contents suffered severe water damage from rain, which was now flowing through the holes drilled by Defendants' employees and into the walls and structure of Plaintiffs' home.
16. Plaintiffs were not home during the initial rain downpour which caused the damage.
17. Plaintiffs' personal belongings, which included artwork, computers, cameras, books, photos, and other belongings were irreparably damaged by the water leaking into their home caused by the holes drilled by Defendants' employees.
18. The structure of Plaintiffs' home has also been damaged in an amount to be determined at a trial on the merits.
19. As a result of the leaks caused by Defendants' actions, or those of Defendants' agents, contractors, or employees, some of the walls in Plaintiffs' home are now filled with mold.

COUNT 1: BREACH OF CONTRACT

COUNT 2: BREACH OF IMPLIED PROMISE OF OF GOOD FAITH AND FAIR  
DEALING

COUNT 3: BREACH OF IMPLIED WARRANTY TO USE REASONABLE SKILL

COUNT 4: PRIMA FACIE TORT

**PRAYER**

WHEREFORE, Petitioner respectfully prays that the Court award Plaintiffs' compensatory damages, punitive damages, and attorney's fees and costs against Defendants on Counts 1 through 4, and provide any and all further relief as in the just discretion of the Court.

Respectfully submitted,  
DWIGHT E. THOMPSON LAW OFFICE, P.C.

/s/ Dwight Thompson

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